

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYALL,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE
TRUJILLO individually and on
behalf of all other similarly
situated. No. 5:2

5 : 20-cv-03664-LHK-SVK

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

15 VIDEO-RECORDED DEPOSITION OF JEREMY DAVIS
16 REMOTE ZOOM PROCEEDING
17 Little Rock, Arkansas
18 Friday, January 7, 2022

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

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Job No. 5019103

1 about the type of information that you put at issue in
2 this case.

3 A. I think it's clear that there is some value to
4 all personal data. There's whole marketplaces and the
5 fact that a marketplace is compensating people for it. I 15:06:32
6 haven't really done the analysis to say whether or not
7 those rates that they are providing are fair market or
8 not. I would have to -- to give you a complete answer, I
9 would have to do a lot more analysis and get pretty
10 specific on, like, which data, et cetera. 15:06:50

11 Q. And has the conduct that you're alleging in this
12 lawsuit affected your ability to sell your information in
13 any way?

14 A. Affected my ability to sell my information?
15 Considering I haven't sold my information, I'm not sure 15:07:07
16 I've fully explored that or not. So my answer is I don't
17 know. Because I have not attempted to sell my
18 information, I'm not sure if this has impacted my ability
19 to sell my information or not.

20 Q. Sure. 15:07:27

21 And has the misconduct that you've alleged
22 against Google in any way affected the value of your
23 information?

24 A. Can you restate the question? I'm not sure I
25 follow. 15:07:38

1 Q. Yeah.

2 Well, a moment ago I asked if the misconduct you
3 allege in this case had affected your ability to sell
4 your information. I think you told us earlier that you
5 believe your personal information has value; right? 15:07:49

6 A. (Nods head.)

7 Q. And so do you believe that Google's misconduct
8 has -- alleged misconduct has in any way affected the
9 value of your information?

10 MR. LEE: To Google or to himself, Andy? 15:08:06

11 MR. SCHAPIRO: To anyone in the market.

12 THE WITNESS: I haven't considered that
13 question, so unsure how to answer. I haven't thought
14 through that sufficiently to really give you a good
15 response there. Considering I'm not actively selling my 15:08:24
16 information, it's not something I've really put a lot of
17 thought into.

18 Q. BY MR. SCHAPIRO: As you sit here today, can you
19 tell me all the ways in which you believe you've been
20 harmed by Google? 15:08:42

21 A. Sure. I can say I first would refer to the
22 claims; right? Those claims summarize the harm pretty
23 specifically.

24 I also would say that the violation of privacy
25 has damaged my perception of what a large organization 15:09:03

1 like Google actually did when they told me that they
 2 wouldn't, and that has eroded my confidence and trust in
 3 that brand, so it has damaged what was otherwise a
 4 healthy relationship with that brand. It has impacted
 5 that.

15:09:29

6 It has made me more suspect of the claim of
 7 in-private browsing in general in the industry, and it's
 8 impacted my trust level in what was an otherwise trusted
 9 brand in a direct violation of a trust and an agreement
 10 that was struck in the contract that we talked about
 11 previously, and it's a pretty egregious thing when you
 12 think about the potential harm that it could do not just
 13 to me but to others in other jurisdictions.

15:09:52

14 The only thing that we ever really truly own is
 15 ourselves, and if that property is violated, which are my
 16 thoughts, my activities that I say should remain private,
 17 and if that's happening hundreds of millions if not
 18 billions of times across the globe, it may be happening
 19 in jurisdictions where that data could put, potentially,
 20 people at harm, then there's a great injustice that's
 21 being done on behalf of Google if it is collecting that
 22 information and it is collecting that information in
 23 incognito mode.

15:10:13

24 So you asked what the cost to me has been, huge
 25 erosion of trust and a huge sense of disappointment that

15:10:37

15:10:55

1 an American company would do such a -- would behave in
2 such an egregious way and run over privacy rights of
3 users, millions and millions of them, in specifically the
4 mode that they present that you can provide privacy. It
5 seems quite egregious to me, but that's been the cost to 15:11:20
6 me.

7 Q. Can you think of anything else?

8 A. I think that summarizes it.

9 Q. Can you think of any specific expense that you
10 have incurred as a result of Google's conduct alleged in 15:11:35
11 this lawsuit?

12 A. Yes. I mean, if these background processes are
13 occurring, there's electricity costs that is required.
14 As those compensational cycles are run and as that
15 data -- excess data is transmitted back to Google, 15:11:54
16 there's a financial cost on the infrastructure side.

17 Q. So you're saying you believe that there is some
18 measurable increase in your electricity usage because
19 there might be a -- a get request or a post request? Is
20 that your statement? 15:12:22

21 A. Your question wasn't whether it was measurable.
22 You asked if there was a cost associated, and I replied
23 that yes there is a cost associated with the extra work
24 that the computer is doing while that data is being
25 collected. 15:12:39